

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In Re:

Russell Ervin Burden, Jr.
Real Estate Solution of America, LLC

Debtor(s)

Case No. 04-14393
Chapter 7

FILED
2004 NOV 15 P 3:37
CLERK
US BANKRUPTCY COURT
ALEXANDRIA DIVISION

MOTION FOR ORDER TO SHOW CAUSE

COMES NOW, Movant, Russell E. Burden, Pro Se and moves entry of an Order directing Janice R. Coleman and her attorney, Terry Legum, to appear and show cause, if any can be shown, for violating the automatic stay of 11 United States Code, Section 362, and states in support thereof the following:

1. This case was commenced by filing of a voluntary Chapter 7 petition on October 22, 2004;
2. Janice R. Coleman is listed as a creditor of the bankruptcy estate on the creditor's matrix;
3. The official Notice of Commencement of case was issued by the clerk's office on November 2, 2004;
4. At the time of filing Debtor was a defendant and being sued by Janice R. Coleman in the Circuit Court of Fairfax County;
5. On the morning of October 22, 2004, there was a hearing in front of Judge Smith in the Fairfax County Circuit Court on Ms. Coleman's Motion for Summary Judgement;
6. After filing the petition referenced in paragraph 1, Debtor stopped at Kinko's copy to prepare a Suggestion of Bankruptcy (see attached exhibit 1) to give to Ms. Coleman and her attorney, Terry Legum who would be at the hearing referenced in paragraph 5;
7. When Debtor arrived in the courtroom on the morning of October 22, 2004, Ms. Coleman, Mr. Legum and another plaintiff, Joel Hamaker, were waiting for the Motion for Judgement to be heard. Mr. Legum requested that the Debtor and he speak in the hallway outside the Court;
8. Mr. Legum asked "what I had for him today, another bankruptcy petition" and Debtor responded yes and handed counsel for the plaintiff the Suggestion of Bankruptcy (exhibit 1);
9. Mr. Legum looked it over and asked for a bankruptcy petition. He spoke about his frustrations with the failure to settle this case and then said he was going to "fight it". Debtor and Mr. Legum went back into the courtroom where Debtor observed Mr. Legum show the Suggestion of Bankruptcy to Ms. Coleman;
10. Mr. Legum and Debtor approached the Fairfax County Circuit Court Judge Smith at a sidebar conference where Mr. Legum indicated he had a problem with the Suggestion of Bankruptcy handed to him outside the courtroom and wanted to have a copy of the bankruptcy petition which was filed;
11. On November 10, 2004, Debtor went to Fairfax County Circuit Court to review the case file referenced in paragraph 5, and one of the Circuit Court Clerk's indicated that it was not possible to review because Ms. Coleman suit was proceeding to trial on November 23, 2004;

12. On November 11, 2004, Debtor wrote Mr. Legum and included a copy of the bankruptcy petition, the suggestion of bankruptcy given to him on October 22, 2004, and alerted him to the violation of the automatic stay provision and sent a suggested order to close the case in Fairfax County Circuit Court;
13. On November 12, 2004, Debtor called Ms. Coleman and asked if she had received the notice of bankruptcy sent by the Bankruptcy Clerk. Ms. Coleman indicated she had received the notice of bankruptcy from the Bankruptcy Clerk;
14. Debtor requested she on her own or direct her attorney, Mr. Legum, to halt all proceedings in Fairfax County Circuit Court immediately, but Ms. Coleman indicated that she had other options and wasn't sure if she would stop her Fairfax County Circuit Court action;
15. Debtor has made numerous efforts to rectify this matter outside of the Bankruptcy Court but Ms. Coleman and her attorney, Terry Legum, have not been cooperative and it is a strain and burdensome for Debtor to spend time on this issue which should be consolidated with Debtors other creditors in his bankruptcy estate.

WHEREFORE, Debtor prays for an Order directing Terry C. Legum, Esquire and Janice R. Coleman to appear and show cause, if any cannot be shown, as to why it should not be held in contempt of Court for violating the automatic stay provisions of 11 U.S.C. section 362, and for such other further relief as the Court deems appropriate.

Russell E. Burden, Jr.

Russell E. Burden, Pro Se

Debtor

107 S. West Street

Alexandria, VA 22314-2891

703-831-4162

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

FILED
2004 NOV 15 P 3:38

CLERK
US BANKRUPTCY COURT
ALEXANDRIA DIVISION

In Re:)
)
Russell Ervin Burden, Jr.) Case No. 04-14393
Real Estate Solutions of America) Chapter 7
)
Debtor(s))
)

NOTICE OF MOTION TO SHOW CAUSE

Movant, Russell Ervin Burden, Jr. has filed papers with the Court to obtain a Show Cause Order for violation of 11 United States Code 362 and any other relief the Court deems, necessary, appropriate and just.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules. If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Clerk of the Court
United States Bankruptcy Court
200 North Washington Street
Alexandria, VA 22314

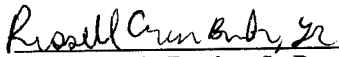
You must also mail a copy to:

Russell Ervin Burden, Jr., Pro Se (Movant)
107 S. West Street
Alexandria, VA 22314-2891

Attend the hearing to be scheduled by the Clerk of the Court, notice of which will be mailed at a later date.
If no timely response has been filed opposing the relief requested, the Court may grant the relief requested in the motion for relief from stay.

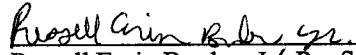
If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion to Show Cause, and may enter an Order granting the Motion.

Dated: November 15, 2004

 (SEAL)
Russell Ervin Burden, Jr. Pro Se
107 S. West Street
Alexandria, VA 22314-2891

Certificate of Service

I Russell Ervin Burden, Jr., Debtor and Movant hereby certify that I have this November 15, 2004, mailed a true copy of this Motion to Show Cause and Notice of Motion to Show Cause to the parties listed on the attached service list.

 SEAL
Russell Ervin Burden, Jr., Pro Se

Robert Tyler
Chapter 7 Trustee
Tyler, Bartl, Gorman and Ramsdell, PLC
206 North Washington Street
Suite 200
Alexandria, VA 22314

Janice Coleman
5670 Oak Tanager Court
Burke, VA 22015

Terry Legum, Esquire
Legum and Wilk, P.L.C.
Fairfax, VA 22032
Counsel for Janice Coleman

Office of the U.S. Trustee
115 South Union Street
Suite 210
Alexandria, VA 22314